

REMARKS

Claims 1-69 are currently pending. Applicants acknowledge the allowable subject matter described by the Examiner at page 5 of the Office Action and have added new claims 43-69, support for which may be found in the Specification. Reconsideration of the application is respectfully requested in view of the following comments.

RESTRICTION REQUIREMENT


The Examiner had issued a restriction requirement in a telephonic interview on February 19, 2003, with one of Applicants' representatives. At that time, the Examiner restricted the pending claims into two groups, Group I directed to compounds of formula I and Group II directed to method of use. Applicants' representative elected Group I and provisionally elected Example 41 at page 60 of specification as a species of Group I. In objecting to the pending claims, it appears to Applicants that the Examiner is attempting to further restrict the compounds of formula I into several patentably distinct groups. See the Office Action at page 4. Applicants cannot adequately respond to the Office Action or plan subsequent divisional filings because the Examiner has not communicated what compounds are contained in each patentably distinct group. Therefore, the Applicants request clarification of the language in the current Office Action regarding the Examiner's restriction of certain compounds of formula I. Specifically, Applicants respectfully request that the Examiner enunciate which patentably distinct groups are contained within formula I.

Regarding the allowable subject matter, Applicants note that the Examiner has restricted the substituents R₃-R₉ to exclude any het group and limited each of m and n to be the value 2. See the Office Action at page 5. Applicants submit, however, that including het groups for R₃-R₉ and allowing the sum of m and n to be the values 3 or 4, as recited in the claims, or at least the sum of 4, would not unduly burden the Examiner's search. Indeed, the allowed substituents R₃-R₉ contain aryl groups and benzoazapines (m+n=2). Subsequent searches for het groups and quinolines could be accomplished with very minimal change in the searching parameters. Reconsideration of these restrictions is respectfully requested.

CONCLUSION

Applicants submit that claims 43-69 are in condition for allowance, which action is respectfully requested.

Respectfully submitted,


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